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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/707,331  | 12/05/2003  | Bertil JONSSON       | 07589.0139.PCUS00   | 1330             |
| 28694   | 7590        | 04/08/2004           | EXAMINER            |                  |
| HOWREY SIMON ARNOLD & WHITE LLP<br>1299 PENNSYLVANIA AVE., NW<br>BOX 34<br>WASHINGTON, DC 20004 |             |                      |                     | LEWIS, TISHA D   |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
|   |             | 3681                 |                     |                  |

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/707,331             | JONSSON, BERTIL     |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | TISHA D. LEWIS         | 3681                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is FINAL.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 05 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____ .   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: ____ .                                   |

## **DETAILED ACTION**

The following is a first action on the merits of application serial no. 10/707,331, filed on December 5, 2003.

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

The information disclosure statement filed on December 5, 2003 has been acknowledged.

### ***Drawings***

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the claim 1, line 2, the term "type" to an otherwise definite expression extends the scope of the expression (planetary gear) so as to render it indefinite, see MPEP 2173.05(b).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 6 are rejected under 35 U.S.C. 102(b) as being unpatentable by Mendel ('132). As to claim 1, Mendel discloses a gas turbine arrangement (column 5, line 45) having, a planetary transmission (1) with a fixed planet carrier (23), and an arrangement for driving at least one auxiliary unit (compressor), the auxiliary unit being operatively connected to a planet wheel shaft (9, 9a) forming part of the transmission.

As to claim 2, Mendel discloses the auxiliary unit being directly connected to the planet wheel shafts via rotors (13).

As to claim 6, Mendel discloses that multiple auxiliary units can be directly connected to each planet wheel shaft (9, 9a).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mendel.

Mendel discloses the auxiliary unit mounted around the transmission casing (1), but not built into the transmission as claimed.

It would have been an obvious design choice to a person of ordinary skill in the art at the time the invention was made to build the auxiliary unit of Mendel into the transmission casing to reduce axial length of the arrangement, since applicant in the specification (page 7, paragraph [0018]) suggest that the auxiliary unit can be built inside the transmission or other auxiliary units can be mounted outside the transmission.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendel in view of Howes et al ('406). Mendel discloses an auxiliary unit in the form of a compressor, not an oil pump or oil separator as claimed.

Howes et al discloses a gas turbine arrangement having a planetary transmission (504) running an oil pump (237) and an oil separator (791).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the auxiliary unit of Mendel with an oil pump or separator in view of Howes et al to provide oil under pressure to the gas turbine or separate clean and dirty oil for re-lubrication of the gas turbine.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mendel in view of the Prior Art drawing Figure 1. Mendel discloses a gas turbine arrangement, but does not disclose a generator in the arrangement as claimed.

The prior art drawing discloses a gas turbine arrangement using a generator (35) stationarily arranged on shaft (9) to generator electrical power.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Mendel with a generator in view of the prior art drawing to generate electrical power to the gas turbine for regenerative braking purposes or restarting the turbine.

### FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is **(703) 872-9326 before final and 703-872-9327 after final**. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to  
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Typed or printed name of person signing this certificate:

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(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only

cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Antonov ('778), Schwertberger ('886), Kronogard ('057), Klaue ('399), Stegherr ('805), Stearns ('920), Hawkins ('388), Kronogard ('019), Kugel et al ('162), Addie ('351), Goudreau et al ('377), Klingels ('849), Inoue et al ('997), Meyer et al ('906) and Turra et al ('125) are cited as having a gas turbine arrangement using a planetary transmission to run auxiliary units.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TISHA D. LEWIS whose telephone number is 703-305-0921. The examiner can normally be reached on M-Thur 8 AM TO 3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES A. MARMOR can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tdl  
April 5, 2004

*J. Lewis*  
Tishia D. Lewis  
Primary Examiner  
AU 3681 4/5/04